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S.D. SEC. OF STATE

REPRESENTATIVE STEVEN G. HAUGAARD, CHAIR | SENATOR BROCK L. GREENFIELD, VICE CHAIR
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June 21, 2019

Mr. Dan Ahlers
913 N. Washington Ave.
Dell Rapids, SD 57022

Dear Mr. Ahlers:

This office is required to review each initiated constitutional amendment to determine whether it is written in a clear and coherent manner in the style and form of other parts of the Constitution and worded so that the effect of the amendment is not misleading or likely to cause confusion among voters in accordance with SDCL 12-13-24. Further, in accordance with SDCL 12-13-25, this office is required to provide written comments to assist the amendment's sponsor in complying with SDCL 12-13-24, including assistance regarding the substantive content of the amendment to minimize any conflict with existing law and ensure the amendment's effective administration. You are under no obligation to accept any of the suggestions contained in this letter, but please keep in mind the legal standards established in SDCL 12-13-24 and 12-13-25.

Attached is a copy of your proposed constitutional amendment with our suggested changes in red. As we discussed with you, these edits include prioritizing the criteria in the fourth paragraph in order to ensure the amendment's effective administration. Doing so will aid the commission in reconciling these competing priorities and provide clarity to the judiciary in the event of any challenge to a commission-approved reapportionment plan. If you have any questions regarding our suggested changes, please feel free to contact us.

It has been determined during this review that this proposed constitutional amendment may have an impact on revenues, expenditures, or fiscal liability of the state and its agencies and political subdivisions. Please provide the Legislative Research Council a copy of the amendment as submitted in final form to the Attorney General, so we can develop any fiscal note required by SDCL 2-9-30.

This letter constitutes neither an endorsement of your initiated constitutional amendment nor a guarantee of its sufficiency. It does constitute fulfillment of your responsibility pursuant to SDCL 12-13-25 to submit your draft to this office for review and comment. If you proceed with your proposed amendment, please take care to ensure that your statements or advertising do not imply that this office endorses or approves your proposal.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Hancock".

Jason Hancock
Director

JH/DO/ct
Enclosures

CC: The Honorable Steve Barnett, Secretary of State
The Honorable Jason Ravnsborg, Attorney General

Be it enacted by the people of South Dakota:

Section 1. That Article III, section 5, of the Constitution of the State of South Dakota, be amended to read as follows:

~~§ 5. The Legislature shall apportion its membership by dividing the state into as many single-member, legislative districts as there are state senators. House districts shall be established wholly within senatorial districts and shall be either single-member or dual-member districts as the Legislature shall determine. Legislative districts shall consist of compact, contiguous territory and shall have population as nearly equal as is practicable, based on the last preceding federal census. An apportionment shall be made by the Legislature in 1983 and in 1991, and every ten years after 1991. Such apportionment shall be accomplished by December first of the year in which the apportionment is required. If any Legislature whose duty it is to make an apportionment shall fail to make the same as herein provided, it shall be the duty of the Supreme Court within ninety days to make such apportionment.~~

~~(1) Beginning in 2021, and every ten years thereafter, the membership of the Legislature must be apportioned by~~ a commission composed of five registered voters in this state appointed under ~~this section shall apportion the membership of the Legislature.~~ A member of the commission must not have been a candidate for or elected to any public office or have been an official in any political party ~~during~~ during the three years immediately preceding, or during the three years immediately following, the member's term on the commission. No more than two members of the commission may be members of the same political party. A member of the commission must have been continuously registered with the same political party or registered as unaffiliated for at least three years immediately preceding the member's appointment to the commission.

~~(2) One~~ The following persons shall each appoint one member of the commission ~~must be appointed by each of the following:~~ (a) ~~The~~ the majority leader of the House of Representatives; (b) ~~The~~ the minority leader of the House of Representatives; (c) ~~The~~ the majority leader of the Senate; (d) ~~The~~ the minority leader of the Senate; and (e) ~~The~~ the Secretary of State.

~~(3) The commission shall apportion the membership of the Senate by establishing single-member legislative districts equal to the number of state senators as provided by law. The commission shall apportion the membership of the House of Representatives by establishing a single-member or dual-member district wholly within a senatorial district in accordance with the law of this state or the United States.~~

~~(4) Each senatorial district must shall be equal in population to the extent practicable and mapped in a grid-like pattern across the state. Any adjustment to a senatorial district may be made solely to based on the following criteria, in the following priority order:~~

~~a. Comply 1. Complying with the Constitution of the United States, this constitution, and federal law, and creating geographically contiguous districts;~~

~~b. Be geographically compact and contiguous to the extent practicable;~~

~~e. Maintain the same or similar socio-economic areas to the extent practicable; and~~

~~d. Use visible geographic features, municipal and county boundaries, and undivided census tracts to the extent practicable.~~

~~2. Minimizing divisions of counties;~~

~~3. Minimizing divisions of municipalities;~~

~~4. Minimizing divisions of census blocks;~~

~~5. Using visible geographic features;~~

~~6. Creating geographically compact districts to the extent practicable; and~~

~~7. Maintaining the same or similar socio-economic areas to the extent practicable.~~

~~(5) The commission may not use party registration, voting history, or place of residence for any legislative incumbent or candidate to establish a senatorial district.~~

~~(6) The Office of the Secretary of State shall serve as the secretariat of the commission and shall assist the commission as the commission may require. The Office of the Attorney General shall provide legal assistance to the commission as the commission may require. The members of the commission shall receive for their services the same salary and travel expenses fixed for members of the Legislature under law.~~

~~(7) The Legislature shall enact any law necessary to enforce this section.~~